

Appl. No. 09/846,229
Amdt. dated 3/18/05
Reply to Notice of Non-Compliant Amdt. of 1/19/05

Observations on Cited Prior Art:

LaVon et al Pub. No. US2003/099844 a1.

The LaVon et al invention does not anticipate my invention.

LaVon et al invented a disposable diaper where the novelty lies in the combination of a chassis having a non-removable absorbent core in capillary liquid communication with a removable/replaceable core. In contrast, my invention consists of a plurality of absorbent pads (cores) where each pad is bottom-lined with an impermeable material so there cannot possibly exist any capillary liquid communication between pads. Actually, the very opposite (no capillary liquid communication) is desired.

LaVon et al explain that with a view of controlling leakage occurring mainly through a second or subsequent discharges which could not be absorbed due to the inability to transport liquid to the farthest reaches of the absorbent core, the removable core was a necessary component. Yet, when the removable core is deemed saturated and is replaced, the non-removable core stays saturated and may presumably transport some of its liquid back on the new, dry core once capillary communication is established therebetween. This will, at best, reduce the capacity of the new core to absorb new liquid since it is already absorbing some of the old. The non-removable core works just once, but stays on as a burden for every new core. Every subsequent cycle of saturation, removal and replacement of the removable core will be at a disadvantage and every new core will always work at less than full capacity. This diaper will cause leakage, just what it is meant to prevent. The contrast with my invention is substantial since my invention provides for the removal of a saturated pad which will be substituted with a new, dry one.

The LaVon invention does not anticipate the integrated disposal bag which permits touch-free disposal of a used pad. This alone is a significant advantage over the LaVon invention, which does not even contemplate a similar hygienic approach. A touch-free and probably odour-free approach to used-bag (used-core) disposal is valuable where contamination must be avoided at all costs.

The LaVon publication is more of an elusive attempt to invention through committee than actual innovation.

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Disclosure on Interferences:

It may be necessary to disclose that the inventor, eager to find a market for the instant invention, contacted several companies and sent copy of the complete disclosure including specification, claims and drawings, as follows:

- A. THE PROCTER AND GAMBLE COMPANY. Mailed them copy of the application on July 6, 2001 following all their directions for submittal. They refused to acknowledge receipt and after some insistence, after 66 days, I received an informal acknowledgement in the form of a handwritten note at the top of one of my letters.
- B. KIMBERLY-CLARK CORPORATION. Mailed them copy on September 18, 2001.
- C. PARENTWISE. A brief description of the invention was e-mailed 11/26/01.
- D. ISC INVENTION SUBMISSION CORPORATION. They prepared a report, Which they contend is a first step in the road to finding a buyer. Nothing Has been done beyond this stage.

Applicant submitted copies of all the above referred- to correspondence in his letter of August 1, 2004, now been corrected in this Amendment. Will re-send copies if necessary.

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REMARKS/ARGUMENTS

Applicant has tried to correct commingling various amendment section and believes the present response deals with this objection.

A substitute Specification was filed May 2, 2003 where some of the requirements set forth in the Office Action of April 2, 2004 were already addressed.

The new first paragraph of the Detailed Description shown in Page 2 is a further emendation to the substitute Specification mentioned above. Applicant has tried to address the concerns of the Office Action of March 24, 2004.

In the original Specification, last paragraph of page 3, mention is made of a simple multiplicity of pads. This could be antecedent enough for a description of such a conservative number as five or six pads.

It is believed that the Abstract submitted May 2, 2003 has already been modified along the lines set forth in the Office Action of March 24, 2003. There is no line 12 in the substitute Abstract.

The replacement Drawings have now been labeled as such. Please note that in dealing with the last Office Action, in Fig. 1 the stack of pads is properly identified with the numeral 104 and an arrow.

Element (ties) 201 has been deleted in Fig. 1 but retained in Fig. 3 in order to illustrate one of several possible ways to keep pads 104 in place. Since ties 201 were originally mentioned but not illustrated and are not claimed (as remarked by the Examiner) it is believed that this objection has been dealt with properly.

The objection to numerals 102 and 103 in the Drawings has been addressed by amending the text to read "...garment or shell 101 shaped to provide a wrist portion 102 and two leg portions 103." As shown in Page 2 of this Amendment.

In Fig. 1 numeral 107 has been deleted since it appears to denote the same structure as numeral 111. It has been retained in Fig. 3.

In Fig. 2 the objection to numeral 109 was complied with in my response to the Office Action of 7/8/02. It clearly denotes a pad. The objection to the line from 112 was complied with at the same time.

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It is noted that subject matter of claims 5-7, now canceled, patentably distinguished over cited prior art, except for the newly cited LaVon et al Pub. No. US2003/0199844 A1 which had recently surfaced.

New Claims 8-10 do not exceed the scope of canceled claims 5-7 so it is assumed the same applies to the new claims.

I believe to have clearly established in my remarks of Page 7 on the LaVon et al publication, that it does not anticipate my invention. My invention may be reflected in the LaVon et al invention since they received a copy of my application before filing their C.I.P. No. 09/911,108. Perhaps this should be made of record in the LaVon et al application.

Applicant has tried to comply with all requirements without altering or adding to the original disclosure. Examiner's Amendments will surely speed up this long prosecution and are accepted beforehand.

Please charge my credit card of record as necessary.

Applicant prays for speedy allowance.

Respectfully Submitted



Herbert R. Burnham

The PTO did not receive the following listed item: <u>credit card</u>
